

REMARKS

Claims 1-18 are pending in the present application.

The Examiner has rejected claims 1, 3, 4, 5, 8, 10, 11, 12, 17 and 18 under 35 U.S.C. § 102(e) as being anticipated by United States Patent number 6,912,592 to Yip (hereinafter "Yip"). The Applicant respectfully disagrees.

The Examiner has identified several elements of Yip as corresponding to the elements of claim 1. In particular, the Examiner identifies super VLAN 250 (VLAN1) as a father VPN and sub VLAN 255 (VLAN2) as a son VPN. Setting aside the distinction between VPN and VLAN, it is submitted that, to anticipate claim 1, Yip must restrict the son virtual private network (sub VLAN 255, VLAN2) to "having at most one affiliated father virtual private network;". However, it is clear, from the VMAN aggregation table 270, that VLAN2 has three father VLANs, namely VLAN3, VLAN4 and VLAN1.

Advantageously, by restricting a given son VPN to having only one father VPN, the father VPN can associate traffic on a particular port as being traffic related to the given son VPN. Such a restriction leads to efficiencies, especially in optical networking, as the traffic need not be examined to consider the son VPN to which the traffic belongs. When the super VLAN 250 in Yip receives traffic, the super VLAN 250 can not be sure, without examining the traffic, whether the traffic originated in VLAN2, VLAN3 or VLAN4.

Since Yip does not suggest or disclose each son virtual private network having at most one affiliated father virtual private network, it is suggested that Yip cannot anticipate claim 1. It is respectfully requested that the Examiner withdraw the rejection of claim 1, and claims 3, 4 and 5 dependent thereon, on

that basis.

Claim 8 recites a method of organizing a network. As part of the organizing, it is specified that "each son virtual private network has at most one affiliated father virtual private network". As discussed above, Yip does not restrict the VLANs identified by the Examiner as son VPNs to having at most one affiliated father VPN.

Since Yip does not suggest or disclose each son virtual private network having at most one affiliated father virtual private network, it is suggested that Yip cannot anticipate claim 8. It is respectfully requested that the Examiner withdraw the rejection of claim 8, and claims 10, 11, 12, 17 and 18 dependent thereon, on that basis.

The Examiner has rejected claims 2, 6, 7, 9, 13, 14 and 15 under 35 U.S.C. § 103(a) as being unpatentable as obvious over Yip in view of United States Patent 7,099,319 to Boden et al. (hereinafter "Boden").

To establish that any claim is obvious, the Examiner must identify: 1) all of the claimed elements in the prior art; 2) a reason or motivation to combine these elements to arrive at the claimed invention; and 3) a reasonable likelihood of success. (see M.P.E.P. 2141)

Claims 2, 6 and 7 are dependent upon claim 1 and add further limitations thereto. As has been discussed, contrary to the contention of the Examiner, not all elements of claim 1 are disclosed in Yip. The Examiner admits that Yip does not disclose the limitations added to claim 1 by claims 2, 6 and 7 and cites Boden to illustrate that such limitations were known. However, it is submitted that

Boden does not suggest or disclose the restriction on son VPNs to having "at most one affiliated father virtual private network" required by claims 2, 6 and 7 by virtue of their dependence upon claim 1.

Since neither Yip, nor Boden, nor a combination of Yip and Boden, disclose the above-discussed restriction on son VPNs, the combination of Yip and Boden may not be used to reject claims 2, 6 and 7 as obvious. It is respectfully requested that the Examiner withdraw the rejection of claims 2, 6 and 7 on that basis.

Claims 9, 13, 14 and 15 are dependent upon claim 8 and add further limitations thereto. As has been discussed, contrary to the contention of the Examiner, not all elements of claim 8 are disclosed in Yip. The Examiner admits that Yip does not disclose the limitations added to claim 8 by claims 9, 13, 14 and 15 and cites Boden to illustrate that such limitations were known. However, it is submitted that Boden does not suggest or disclose the restriction on son VPNs to having "at most one affiliated father virtual private network" required by claims 9, 13, 14 and 15 by virtue of their dependence upon claim 8.

Since neither Yip, nor Boden, nor a combination of Yip and Boden, disclose the above-discussed restriction on son VPNs, the combination of Yip and Boden may not be used to reject claims 9, 13, 14 and 15 as obvious. It is respectfully requested that the Examiner withdraw the rejection of claims 9, 13, 14 and 15 on that basis.

The Examiner has rejected claim 16 under 35 U.S.C. § 103(a) as being unpatentable as obvious over Yip in view of Boden in further view of United States Patent 6,963,575 to Sistanizadeh et al. (hereinafter "Sistanizadeh").

Claim 16 is dependent upon claim 8 and adds further limitations thereto. As has been discussed, contrary to the contention of the Examiner, not all elements of claim 8 are disclosed in Yip. The Examiner admits that Yip does not disclose the limitations added to claim 8 by claim 16 and cites Boden and Sistanizadeh to illustrate that such limitations were known. However, it is submitted that Sistanizadeh does not suggest or disclose the restriction on son VPNs to having "at most one affiliated father virtual private network" required by claim 16 by virtue of its dependence upon claim 8.

Since neither Yip, nor Boden, nor Sistanizadeh nor a combination of Yip, Boden and Sistanizadeh, disclose the above-discussed restriction on son VPNs, the combination of Yip, Boden and Sistanizadeh may not be used to reject claim 16 as obvious. It is respectfully requested that the Examiner withdraw the rejection of claim 16 on that basis.

In view of the foregoing, the applicant respectfully submits that claims 1-18 are now in condition for allowance. Favorable reconsideration and allowance of claims 1-18 are respectfully requested. Should the Examiner have any questions in connection with the Applicant's submissions, please contact the Applicant's agent, David Greer, at 416-865-3519.

Respectfully Submitted,

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